



21744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3863**  
Yoshikazu FUKUI et al. : Attorney Docket No. 2006\_0755A  
Serial No. 10/581,322 : Group Art Unit 1626  
Filed July 18, 2006 : Examiner Sun Jae Y. Loewe

ISOXAZOLE DERIVATIVES AS PEROXISOME  
PROLIFERATOR-ACTIVATED RECEPTORS  
AGONISTS

**Mail Stop: Amendment**

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**RESPONSE**

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO 23-0975

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Official Action dated November 2, 2007.

The Official Action constitutes a requirement for restriction and election of species.

Applicants elect to prosecute the invention of Group I, with traverse.

As to the species, Applicants elect compound  $\beta$ -2-38. Please see the top of page 192 and the bottom of page 194 of the specification.

As to the restriction requirement, the Examiner explained that the Applicant's inventions lack the same or corresponding special technical features because the core structure is taught in the prior art, eg. Compound of Ruggeri (1924) in pages 2-3 of the Office Action. However, the compound of Ruggeri is different from our compound, because their two node bridge between isoxazole and phenyl is -NH-NH- but our two node bridge is -CH<sub>2</sub>-X1-. Therefore, the Applicant disagrees that its invention lacks unity because of Ruggeri (1924).